



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
30 TRINITY STREET - 4th Floor
HARTFORD, CONNECTICUT 06106

DEBORAH DEL PRETE SULLIVAN
LEGAL COUNSEL/EXECUTIVE ASSISTANT PUBLIC DEFENDER
(860) 509-6405 Telephone
(860) 509-6495 Fax
deborah.d.sullivan@jud.ct.gov

Testimony of Deborah Del Prete Sullivan, Legal Counsel Office of Chief Public Defender

Raised Bill No. 5146 **An Act Concerning Professional Liability Insurance for Attorneys**

Judiciary Committee Public Hearing March 9, 2012

Although the Office of Chief Public Defender does not take a position on the general notion that attorneys be required to indicate whether they maintain professional liability insurance, as drafted, this office is concerned as to how this new requirement will be implemented and how it will impact upon government attorneys and attorneys appointed by the court to provide legal services.

Attorneys employed by the Division of Public Defender Services, as state employees, and Assigned Counsel (formerly referred to as Special Public Defenders) are included in the protections afforded by the indemnification and immunity statutes of this state. Generally, the Office of the Attorney General provides representation in cases brought against these attorneys before the Claims Commissioner and in state or federal court. Representation for Division attorneys and Assigned Counsel in grievance proceedings is provided by counsel designated by the carrier through the malpractice insurance policy maintained by this agency. As a result, the malpractice carrier may not always be involved in the representation, especially in civil actions against the Division, its attorneys and employees and its Assigned Counsel.

A suggestion would be to exempt government attorneys and attorneys appointed by the court from the requirement that the bill imposes. For these reasons, this office requests that the bill as drafted not be adopted.